

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>IN RE:</b>	)	<b>Chapter 7</b>
	)	<b>Case No. 05 B 25498</b>
<b>JOHN GUNARTT,</b>	)	<b>Judge Jacqueline P. Cox</b>
	)	
<b>Debtor.</b>	)	

**THIRD AND FINAL APPLICATION OF TRUSTEE'S ATTORNEYS FOR THE  
ALLOWANCE OF COMPENSATION AND REIMBURSEMENT OF EXPENSES**

Colleen E. McManus and Much Shelist Freed Denenberg Ament & Rubenstein, P.C. ("Much Shelist"), moves this Court for the third and final time for allowance of compensation totaling \$15,606.00 and reimbursement of expenses totaling \$69.60 under Bankruptcy Code Sections 330 and 331, Fed. R. Bankr. P. 2016 and Local Rule 5082-1 for services rendered to Chapter 7 trustee Norman B. Newman (the "Trustee") during the period November 2, 2007 through November 19, 2010. In support of this motion, Much Shelist states:

1. On June 28, 2005, Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.
2. On November 16, 2005, this Court entered an Order converting the Debtor's Chapter 11 case to a case under Chapter 7.
3. The Trustee was subsequently qualified, appointed and continues to serve as the Trustee herein.
4. On December 13, 2005, this Court entered an Order authorizing the Trustee to employ Much Shelist as his attorneys in this case.
5. Much Shelist previously has been awarded compensation (twice) in this case through October 29, 2007. (See cover sheet to this application).

6. Much Shelist is entitled to final compensation in the amount of \$15,606.00 plus reimbursement of out-of-pocket expenses in the amount of \$69.60, for services rendered during the period November 2, 2007 through November 19, 2010.

7. During the time period covered by this application, Much Shelist provided 32.30 hours of services on behalf of the Trustee. Mr. Newman has taken care to distinguish his legal services from his trustee services.

8. Much Shelist takes care to avoid duplication of services. There were instances when more than one Much Shelist attorney was involved in a particular meeting or telephone conference. Joint participation was necessary based on the matter at hand, the continuity of the representation or the expertise of the attorneys involved.

9. Much Shelist has provided services to the Trustee in two categories:

**Appeal (Exhibit A):** Much Shelist provided 21.90 hours of time to the Trustee in connection with defending against the Debtor's appeals of orders of this Court.

By way of background, this Court in November 2005 entered an order converting the Debtor's Chapter 11 case to Chapter 7. Also, this Court entered an order in June 2006 granting the Trustee's motion to sell the Debtor's real estate for the sum of \$767,500.00. Finally, this Court entered orders dismissing the Debtor's adversary complaints against Fifth Third Bank. The Debtor filed a notice of appeal of each order. The Debtor lost his appeals, but he appealed to the Court of Appeals for the Seventh Circuit the order affirming the dismissal of his lawsuit against Fifth Third.

Because the Debtor's appeals of these orders affected the Trustee's administration of this case, Much Shelist monitored the appeals in order to advise the Trustee. Much Shelist reviewed

the Debtor's and Fifth Third's appellate filings, reviewed the District Court's and the Seventh Circuit's orders and rulings and (when appropriate) filed joinders in support of Fifth Third.

The attorneys who provided services in this category and the time they expended are:

Attorney	Time Expended	Hourly Rate	Total
Norman B. Newman	11.70 hrs.	\$542.82/hr.*	\$6,351.00
Colleen E. McManus	10.20 hrs.	\$397.16/hr.*	4,051.00
<b>TOTAL:</b>	<b>21.90 hrs.</b>		<b>\$10,402.00</b>

\*During the time period covered by this application, the hourly rates of some of the individuals who provided services changed. The hourly rate reflected is an average rate.

**Fee Related Matters (Exhibit B):** Much Shelist expended 10.40 hours preparing its second interim application for compensation, reviewing the Debtor's objection to it and presenting the application to this Court. The firm also attended the hearing on the Trustee's motion to pay his accountants. The attorneys who provided services in this category and the time they expended are:

Attorney	Time Expended	Hourly Rate	Total
Norman B. Newman	8.40 hrs.	\$520.00/hr.	\$4,368.00
Colleen E. McManus	2.00 hrs.	\$418.00/hr.	836.00
<b>TOTAL:</b>	<b>10.40 hrs.</b>		<b>\$5,204.00</b>

\*During the time period covered by this application, the hourly rates of some of the individuals who provided services changed. The hourly rate reflected is an average rate.

10. During the time period covered by this application, Much Shelist incurred out-of-pocket expenses in the amount of \$69.60 Attached hereto as Exhibit C is an itemization of Much Shelist's minimal out-of-pocket expenses. The charge for photocopying is 10¢ per page. Much Shelist asserts that these out-of-pocket expenses were necessary and were incurred in its representation of the Trustee.

11. Much Shelist's services to the Trustee's attorney have resulted in a benefit to the creditors of this estate. As a result of the sale of the Debtor's real estate, and after payment of the

allowed secured claim of Fifth Third Bank in the amount of \$600,000.00 pursuant to a court approved settlement, and costs and expenses associated with the sale, the Trustee generated in excess of \$150,000.00 in free and clear funds for creditors of this estate. Unfortunately, due to the Debtor's litigious behavior, the Trustee was required to use Much Shelist to provide extensive legal services. As a result, the Trustee is left with insufficient funds on hand to cover the remaining cost of administrative claims. Much Shelist also recognizes that there are insufficient funds to pay the full amount of this final compensation request.

**WHEREFORE**, Much Shelist respectfully prays that this Court enter an Order:

- a. Awarding Much Shelist final compensation in the amount of \$15,606.00 plus reimbursement of out-of-pocket expenses in the amount \$69.60 for services rendered October 30, 2007 through November 19, 2010;
- b. Authorizing the Trustee to pay Much Shelist the compensation and expense reimbursement awarded herein as a Chapter 7 administrative expense of this estate;
- c. Approving Much Shelist's prior awards of interim compensation and reimbursement of expenses on a final basis; and
- d. Granting such other and further relief and this Court deems appropriate.

**Much Shelist Denenberg Ament  
& Rubenstein, P.C.**

By: /s/ Colleen E. McManus  
One of its attorneys

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